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THE CONDOR

An Illustrated Magazine of Western
Ornithology

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EDITORIAL NOTES

AFTER two trials at bird protection legislation the state of California has apparently succeeded in enacting a law. A copy of the bill, which was drawn up by Mr. Charles Vogelsang of the State Game and Fish Commission, with amendments suggested by Dr. T. S. Palmer of the U. S. Biological Survey, is printed below. The measure was introduced into the Senate by Senator John G. Mattos and into the Assembly by Assemblyman E. K. Strobridge. At the January meeting of the Club the bill was read by Mr. Emerson, and after some discussion was endorsed by the Club. The clause permitting the owner or tenant of any premises to kill birds in the act of destroying crops or fruits growing on the premises is certainly susceptible to grave abuse, but the amendment prohibiting the sale of such birds will undoubtedly do something to check undue liberties. This clause, and the absence of any specific mention of poison or poisoned water was considerably discussed at the meeting referred to, and later. It seemed best, in view of the fact that these are the very rocks upon which the first bill—that of the Cooper Club in 1901—was wrecked, to concede the points. Another bill was in the field at the time but was later withdrawn by its promoters.

About four years ago those who were active in securing the passage of the Cooper Club bill were rejoicing in the anticipation that it would become a law. But there's many a slip as they found out, for the governor did not see fit to add his essential signature. Since then considerable work in educating the people has been done by the U. S. Biological Survey, through bulletins, and especially by the presence of Prof. Beal in the state for parts of two years. Undoubtedly a large part of the change of sentiment has been due also to the national movement towards protecting beneficial birds. During the past year the California Audubon Soci-

ety has been indefatigable in spreading its propaganda among the people, with desirable results. Last, and we believe not least, the widening influence of the Cooper Club through its representative membership has also helped to turn the balance.

In the immediate work of securing the passage of the bill Mr. Vogelsang, Senator Mattos, Assemblyman Strobridge and Mr. Emerson have been especially active and these gentlemen certainly deserve the thanks of everyone for their public-spirited efforts. Doubtless there were many others who aided also in lobbying the measure. Their reward should be the consciousness of well-doing!

A copy of the bill follows:

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and thirty-seven of the Penal Code of the State of California, is hereby amended to read as follows:

637a. Every person who, in the State of California, shall at any time hunt, shoot at, pursue, take, kill or destroy, buy, sell, give away, or have in his possession, except upon a written permit, from the board of fish commissioners of the State of California, for the purpose of propagation or for education or scientific purposes, any meadow lark, or any wild bird, living or dead, or any part of any dead wild bird, or who shall rob the nest, or take, sell, or offer for sale, or destroy the eggs of any meadow lark or of any wild bird, is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the killing of a meadow lark or other wild bird by the owner or tenant of any premises where such bird is found of destroying berries, fruits or crops growing on such premises, but the birds so killed shall not be shipped or sold. The English sparrow, sharp-shinned hawk, Cooper's hawk, duck hawk, great horned owl, bluejay, house finch (known also as the California linnet), and all birds otherwise protected by the provisions of this code and those birds commonly known as game birds, are not included among the birds protected by this section.

Although Governor Pardee has not yet signed the bill be believe it very unlikely that he will consider it unfavorably. At any rate let us hope that this will not be another "slip".

THE series of portraits of eminent European ornithologists, announced in the January issue, is opened with likenesses of Dr. Philip Lutley Sclater, Dr. Jean Cabanis, Mr. Howard Saunders and Victor Ritter von Tschusi zu Schmidhoffen. Dr. Sclater, perhaps the most widely known ornithologist living, has for many years been the secretary of the Zoological Society of London and editor of *The Ibis*. His researches have been chiefly concerned with Neotropical birds, upon which he has published a formidable list of papers. The bibliography of his published writings (Bull. U. S. Nat. Mus. No. 49, 1896) lists 1239 titles, to which many have been added during the last decade. Up to that time he had characterized 1067 new

species (245 in collaboration with Osbert Salvin), 135 new genera (25 with Salvin), and two new families of American birds. In a broader sense, therefore, Dr. Sclater is one of the most eminent and prolific of American naturalists.

Dr. Jean Cabanis, the veteran German ornithologist, has also been an indefatigable worker. He is well known through the *Museum Heinianum* (with Heine) and the bird volume of *Fauna Peruana*. He has published *Ornithologische Notizen* (Wiegmann Arch. iv, 1847), *Uebersicht der im Berlin Museum befindlichen Vogel von Costa Rica* (Journ. fur Ornithologie, 1860-1862), *Uebersicht der von Herrn Carl Euler in District Contagallo, Provinz Rio de Janeiro gesammelten Vogel*, 1874, *Journal fur Ornithologie*.

and also a large number of other papers in the

With Mr. Howard Saunders one always associates the excellent account of the gulls and terns in the Catalogue of Birds of the British Museum. He has also written a Manual of British Birds (1888-89), and contributed numerous papers to the Proceedings of Zoological Society of London, *The Ibis*, *Zoologist*, etc. Among these may be mentioned A List of the Birds of Southern Spain (*Ibis*, 1871), On the Sterninae or terns with descriptions of three new species (P. Z. S., 1876), On the Larinae or gulls (P. Z. S., 1878), On the geographical distribution of gulls and terns (1879). Mr. Saunders has been associated with Dr. Sclater as one of the editors of *The Ibis*.

Victor Ritter Von Tschusi zu Schmidhoffen, the distinguished Austrian ornithologist, was born December 28, 1847, at Slichov near Prag, Bohemia, and since 1871 has resided at Villa Tannenhof, near Hallein, Salzburg. His special field of study is palæarctic ornithology. The Count's collection contains over 5500 skins, many in rare and exclusive series, and it is open to everyone for scientific study. In late years he has devoted himself to the study of geographical forms, of which he has described a great number. At the request of the late Crown Prince Rudolf he directed for eight years the ornithological observation stations in Austro-Hungary, editing the results of the work as published in *Ornis* and in six separate yearbooks. Since 1890 Count v. Tschusi zu Schmidhoffen has edited that excellent journal, the *Ornithologisches Jahrbuch*, which is devoted exclusively to the advancement of palæarctic ornithology. Up to October, 1904, he has published about 400 ornithological works, and with 1905 looks back upon forty years of ornithological activity.

We take pleasure in calling attention to an addition to our editorial force. Mr. William Lovell Finley of Portland, Oregon, who with Mr. Herman T. Bohlman, has contributed to THE CONDOR frequently during the past three years, has been appointed an associate editor by president Mailliard. Unfortunately Mr. Finley's article, with numerous remarkable photographs of hummingbirds, through an abundance of copy on the waiting list, has to be postponed till the May issue.

Owing to the fact that practically all the editorial force of THE CONDOR will be "otherwise engaged" during the coming summer, all notices and manuscripts intended for the July issue must reach the editor not later than May 1. The short notes published in this issue about exhaust our supply. They have been coming in very slowly since November. Will not every member search his note-books?

We extend our best thanks to our Club member Mr. Louis Agassiz Fuertes who has contributed the painting of the prairie falcon reproduced as the frontispiece of this issue. We also wish to thank Mr. Ruthven Deane for the courtesy of loaning a valuable lithograph—that of Prince Charles Bonaparte—for reproduction.

We are obliged to repeat the apology made in the last issue for the postponement of the Club Roster, which will surely appear in May.

For the May issue we have interesting letters upon an interesting subject from Prof. Alfred Russell Wallace, and Dr. Leonhard Stejneger. More will follow in the July issue.

FROM FIELD AND STUDY

(Continued from page 53)

Orange-crowned Warbler taken at San Luis Obispo, Cal.—While overhauling our series of *Helminthophila* recently I came across a specimen taken at San Luis Obispo on October 10, 1903, which had been laid aside for further examination and forgotten for the time being. This individual was shot by my brother during a trip we made together, and while we were much surprised to find a warbler of this genus at such a time of year, as well as being puzzled at its large size, it did not occur to either of us that it might prove to be *H. celata*. In fact we laid it aside in order to compare it with specimens of *H. c. lutescens* or *sordida* in fall plumage if we could find any. The taking of two *H. celata* in the Mojave Desert lately brought the matter to my mind and close comparison shows the San Luis Obispo bird (Coll. of J. & J. W. M., field no. 5758, ♂) to be of this form, making it the most northern record in California for the orange-crowned warbler—unless I am greatly mistaken.—JOSEPH MAILLIARD.

The Mockingbird at Stanford University, Cal.—Dr. Jordan informs me that he observed a mockingbird, *Mimus polyglottos leucopaterus*, in his door-yard Dec. 20, 1904. The same or another individual was seen in the vicinity by others, for a week or two subsequently. This species is very rare here.—WALTER K. FISHER.